Rejection under § 102(e)

The Examiner rejected claim 19 under § 102(e) as anticipated by *Marchesseault*.

Because *Marchesseault* fails to disclose each element of claim 19 as required for an

anticipation rejection, Applicants respectfully traverse the rejection of this claim.

Claim 19 recites:

> A method for executing computer code in a distributed
> computer system comprising:
>
> receiving a registration of interest in an event, the
> registration including computer code;
>
> transmitting a message including the computer code in
> response to the event; and
>
> executing the computer code transmitted in the message.

The Examiner essentially cites *Marchesseault's* claim 24 as disclosing the claim

element, "receiving a registration of interest in an event, the registration including

computer code." (May 22, 2003 Office Action at 3.) *Marchesseault's* claim 24

discloses:

> a computer usable medium having first computer readable
> program code means embodied in said medium for
> downloading the applet to the client, wherein the applet
> includes each object class called within the applet;
>
> the computer usable medium having second computer
> readable program code means embodied in said medium for
> downloading to the client a class interface having at least
> one respective identifier for the object class associated with
> the second Java version of the Java Virtual Machine called
> by the applet; and
>
> the computer usable medium having computer readable
> program code means embodied in said medium, responsive
> to said first and second computer readable program code
> means, for executing the downloaded applet within the first
> Java version of the Java Virtual Machine without causing an
> error condition by the at least one call to an object class

associated with the second Java version of the Java Virtual Machine.

That is, claim 24 of *Marchesseault* discloses computer readable program code means that execute a downloaded applet within a first Java version, which may generate calls to an object class associated with a second Java version without causing an error. Further, *Marchesseault* discloses an applet that is "embedded within HTML document via an applet tag. . . . [A]pplet activation may occur automatically upon the loading of an HTML page by the web browser, by activating a link, or by user actions. Once activated, the applet begins to automatically download each class called within the applet." (*Marchesseault*, col. 4, ll. 8–22.)

This is not the same as or "equivalent to" "receiving a registration of interest in an event, the registration including computer code," as recited in claim 19. Nowhere does *Marchesseault* disclose "receiving a registration of interest in an event," much less "the registration including computer code." Instead, *Marchesseault* discloses downloading an applet, and the applet in *Marchesseault* is neither a "registration of interest in an event" nor "a registration including computer code." Further, the applets taught by *Marchesseault* cannot be equivalent to the computer code recited in claim 19 because these applets are not transmitted in a message in response to an event. As admitted by the Examiner, *Marchesseault* teaches sending a request to activate the applet. (See May 22, 2003 Office Action, page 3, lines 17–19.) Thus, an event merely initiates the request to activate the applet and does not include the applet itself.

Accordingly, *Marchesseault* fails to disclose "receiving a registration of interest in an event, the registration including computer code," as recited in claim 19. Applicants

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also disagree with the Examiner's allegation that other elements of claim 19 are disclosed by *Marchesseault*.

Because *Marchesseault* fails to disclose each element of claim 19 as required for a rejection under § 102(e), Applicants request that the rejection of claim 19 be withdrawn and the claim allowed.

Rejection under § 103(a)

The Examiner rejected claims 5–9, 14–18, and 20–22 under § 103(a) as unpatentable over *Marchesseault* in view of *Ohtsuki*. Applicants respectfully traverse the rejection of these claims because the Examiner failed to present a prima facie case of obviousness.

To establish a *prima facie* case of obviousness under §103(a), each of three requirements must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine references or modify a reference. (*See* MPEP § 2143.) Second, a reasonable expectation of success must exist that the proposed modification will work for the intended purpose. (*See id.*) Moreover, both of these requirements must "be found in the prior art, not in applicant's disclosure." (*Id.*) Third, the reference or references, taken alone or in combination, must disclose or suggest every element recited in the claims. (*See* MPEP §2143.03.)

Marchesseault

Marchesseault discloses a system that allows Java applets written in any version of the Java programming language ("Java version") to be executed within any version of a Java Virtual Machine ("JVM"). (*Marchesseault*, col. 1, lines 61–67.) In operation, the

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